

United States District Court
for the
Northern District of New York
Petition for Warrant or Summons for Offender Under Supervision
Second Amended: 9/10/18

Name of Offender: Charles Smith, Jr

Case Number: 5:11CR00308-001

Name of Sentencing Judicial Officer: Honorable Glenn T. Suddaby, Chief U.S. District Judge

Date of Original Sentence: December 5, 2011

Original Offense: Conspiracy to Possess with Intent to Distribute and to Distribute Cocaine Base

Original Sentence: 70 months Imprisonment and 6 years supervised release

Type of Supervision: Supervised Release Date Supervision Commenced: 12/30/2016

Asst. U.S. Attorney: Geoffrey Brown Defense Attorney: Federal Public Defender

PETITIONING THE COURT

To issue a warrant: Warrant Executed on 1/18/18

To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number Nature of Noncompliance

AMENDED 1* **General Condition: The defendant shall not commit another federal, state or local crime:**

On February 22, 2018, Smith was arrested for Criminal Sale of a Controlled Substance 3rd Degree (Class B Felony).

According to the Cortland County District Attorney, the defendant has pled guilty to Criminal Sale of a Controlled Substance 3rd Degree (Class B Felony). This information is based on the records of the Cortland Police Department and the records of the probation office. (Grade A Violation)

2 **General Condition: The defendant shall not commit another federal, state or local crime:**

On January 4, 2018, the offender was arrested for Criminal Possession of a Controlled Substance 7th (Class A Misdemeanor) and Criminal Use of Drug Paraphernalia 2nd (Class A Misdemeanor). This information is based on the records of the Cortland Police Department (Grade C Violation)

3 **Standard Condition # 6: The defendant shall notify the probation officer at least ten days prior to any change in residence or employment, or if such prior notification is not possible, then within five days after such change.**

On January 9, 2018, this officer went to the offender's place of employment. This officer was informed the offender was fired on January 4, 2018. This information is based on the records of the probation office (Grade C Violation)

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Standard Condition # 11: The defendant shall notify the probation officer within seventy two hours of being arrested or questioned by a law enforcement officer;

On January 4, 2018, the offender was arrested by the Cortland City Police Department. Smith did not discuss the arrest with this office until January 12, 2018. This information is based on the records of the probation office and the Cortland City Police (Grade C Violation)

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Special Condition # 1: The defendant shall participate in a program for substance abuse which shall include testing for drug/and or alcohol use and may include inpatient and/or outpatient treatment. The program shall be approved by the United States Probation Office.

The offender failed to report for drug testing on April 18, 2017, May 25, 2017, November 12, 2017, November 28, 2017, and January 9, 2018. This information is based on the records of the probation office (Grade C Violation)

U.S. Probation Officer Recommendation:

The term of supervision should be:

Revoked

Extended for year(s), for a total term of years.

The conditions of supervision should be modified as follows:

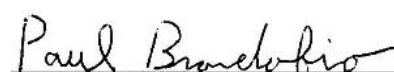
I declare under penalty of perjury that the foregoing is true and correct.

Executed on:

September 10, 2018

by:

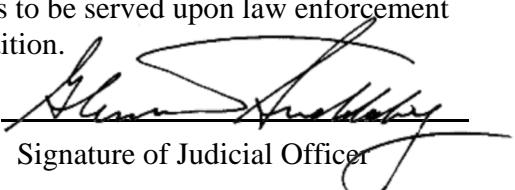

Ellen Phillips
Supervising U.S. Probation Officer


Paul Brandofino
U.S. Probation Officer

THE COURT ORDERS

- No Action
- The Issuance of a Summons
- Other: **Warrant Issued January 17, 2018. The Court Clerk is hereby directed to file this amended petition. Pursuant to an arrest warrant issued by the Court on January 17, 2018, and based upon the U.S. Marshal Service having arrested the defendant on January 18, 2018, the Court does not need to issue another warrant as the defendant presently remains incarcerated.**

The District Court Clerk's Office is hereby **ORDERED NOT** to serve a copy of this petition or any of the attached documents upon anyone EXCEPT that a copy is to be served upon law enforcement personnel. Copies shall be served upon the unsealing of the petition.


Signature of Judicial Officer

September 10, 2018

Date